

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN-PIERRE BANEY,

Plaintiff,

v.

ALBERTO GONZALES, et. al.,

Defendants.

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Civil Action No. **3:06-CV-2064-L**

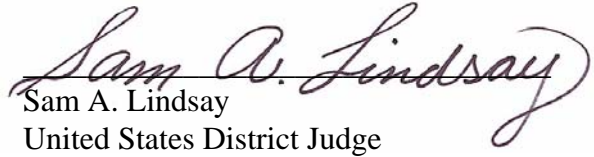
ORDER

This is a *pro se* employment discrimination and civil rights action.¹ Pursuant to the court's standing order of reference, this case was referred to the United States magistrate judge for pretrial management, including the determination of nondispositive motions and issuance of findings of fact and recommendations of dispositive motions. Before the court is Plaintiff's Motion to Request to Enter Default Judgment, filed May 30, 2007, and Plaintiff's Request to Enter Default, filed May 31, 2007. On June 4, 2007, the Findings, Conclusions, and Recommendations of the United States magistrate judge ("Report") were filed. Plaintiff did not file a response within the time permitted; however, he filed a Request [for] Additional Time Notice of Right to Appeal/Object on June 22, 2007, which the court interprets as a motion for additional time to object to the magistrate judge's report. After making an independent review of the pleadings, file and record in this case, and the magistrate judge's Report, the court determines that the magistrate judge's findings are correct, as a matter of law. Accordingly, the magistrate judge's findings and conclusions are **accepted** as those of the court. The magistrate judge correctly concluded that Plaintiff's motion for default fails, as

¹Plaintiff brings claims under Title VII, the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), the "No FEAR Act (anti-discrimination and retaliation)" and "Whistleblower Act."

a matter of law, because Defendants responded to Plaintiff's complaint by filing a motion to dismiss within 60 days of service. Moreover, Plaintiff has not established by satisfactory evidence a claim or right to relief. Accordingly, Plaintiff's motion for additional time to object to the magistrate judge's report would be futile, and is hereby **denied as moot**. Plaintiff's Motion to Request to Enter Default Judgment is **denied**. Plaintiff's Request to Enter Default judgment is **denied**.

It is so ordered this 27th day of June, 2007.


Sam A. Lindsay
United States District Judge